
7.0 REQUIRED PERMITS

Environmental Permits/certifications that may need to be obtained during the project development phase include: USACE Section 10 and Section 404 permits, an NPDES permit, and a state Section 401 water quality certification.

Potential business or industrial development within the intermodal facilities would be regulated by Federal, state, and municipal laws and regulations. The Authority will be responsible for insuring that all intermodal facilities developments are in accordance with applicable laws and regulations, and they will maintain a database of required permits.

Private industries most likely to have substantial impacts to the environment that choose to locate at the intermodal facilities would be required to disclose information regarding the types of activities they propose to conduct at the site in an appropriate, legal manner as part of the environmental and/or other regulatory permit application processes typically required of them.

Such tenants of the intermodal facilities would be required to conform to environmental laws set forth by Federal, state, and local regulatory agencies such as the USEPA, USACE, OSHA, USFWS, ADEQ and others. The ADEQ website contains information regarding many of the primary environmental laws these agencies are responsible for which may apply to the various types of industries potentially wanting to utilize the proposed intermodal facilities (http://www.adeq.state.ar.us/regs/fed_regs.htm and http://www.adeq.state.ar.us/regs/ar_env_laws.htm). Such private industries are typically aware of their responsibilities under such laws and regulations and typically have their own staff available or they hire consultants to ensure they comply with all legal requirements. It would not be beneficial for such businesses to not comply with environmental regulations due to the serious penalties and financial implications that could occur if they do not comply.

Therefore, even though it is not possible to fully assess all potential environmental impacts that could occur under the various scenarios of development that may occur at the intermodal facilities, it is expected that any substantial impacts would be identified and regulated by appropriate regulatory agencies which would help protect the local and regional human and natural environments. Reasonable options to avoid, minimize, and/or mitigate for any adverse impacts would be identified and enforced by the responsible regulatory agency or agencies during the permit application phase of those developments. Permits required for development of the initial intermodal facilities infrastructure such as levees, roads, rail access, the slackwater harbor, and any utilities would be the responsibility of the Authority and would be obtained prior to construction of the project.

There would be minor differences between the build alternatives for necessary permits. Impacts to Waters of the U.S., primarily impacts to jurisdictional wetlands, would be greater under the Red Alternative than the Green (Preferred) Alternative or the Purple Alternative. Additionally, the Purple Alternative would require a USACE Shoreline Use

Permit for any shoreline vegetation modification on Lake Dardanelle and a USACE Real Estate Instrument for activities not covered under the Shoreline Use Permit and that involve grade, cut, or fill and construction of structures (<http://www.swl.usace.army.mil/parks/dardanelle/shoreline.htm#>).